

Atty. Docket No.: 17633/1082

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wang, T.  
Serial No.: 09/927,738  
Filed: August 10, 2001  
Entitled: COMPOSITIONS AND METHODS  
FOR MODULATING TGF- $\beta$   
SIGNALING

Examiner: Kaufman, C.M.

Group Art Unit: 1646

Conf. No.: 7298

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. EV242756710US** on this date, **June 9, 2004**, postage prepaid, in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Barbara A. Gyure

Name of Person Mailing

*Barbara A. Gyure*

Signature of Person Mailing Paper

**Mail Stop Amendment**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**STATEMENT OF SUBSTANCE OF EXAMINER INTERVIEW**

Sir:

This Statement of Substance is being filed in response to the Telephonic Interview conducted on May 4, 2004, with Examiner Claire M. Kaufman, and Mark FitzGerald and Gene Kim, agents for the Applicant. Applicant thanks the examiner for the courtesy of the telephone interview, during which the participants discussed the Office Action mailed December 9, 2003, and specifically the rejection of claim 7 under 35 U.S.C. §102, as being anticipated by U.S. 6,063,906 (Brenner et al.). The substance of the interview is summarized below.

The Brenner et al. reference teaches an antibody that binds to the amino acid sequence of SEQ ID NO:24, which is the 12-amino acid sequence EDEEEEEEEEEEE. SEQ ID NO:3 of the instant application has a fragment from amino acid 385-392 and SEQ ID NO:5 from amino acid 243-251, both of which sequences are 8 amino acids in length and are identical to the first 8 amino acids of SEQ ID NO:24 of Brenner et al. The Office Action states that, "due to the small size of the fragment and high identity with the Brenner peptide, one of ordinary skill in the art would reasonably expect the patented antibody that binds SEQ ID NO:24 of Brenner to also bind

SEQ ID NO:3 or 5 of the instant application in the corresponding region absent evidence to the contrary.”

After discussing several possibilities to overcome the rejection, Examiner Kaufman agreed to reconsider pending Claim 7 if amended to recite an antibody which binds to a native protein.

Respectfully submitted,

Date: June 9, 2004



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**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Office Action mailed December 9, 2003;
2. Statement of Substance of Examiner Interview;
3. Petition for Extension of Time; and
4. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 17633/1082. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: June 9, 2004

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